

Nathan Ochsner, Clerk

the Court,” but in light of the January 20, 2021 presidential proclamation, this case should be continued.⁸

The President’s proclamation directs numerous heads of executive agencies to “pause work on each construction project on the southern border wall” and to “develop a plan for the redirection of funds concerning the southern border wall . . . within 60 days” from January 20th.⁹ “The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.”¹⁰ The Court reluctantly finds good cause in the parties’ request that this eminent domain proceeding be abated while the United States develops its plan concerning the border and associated land use, but warns all parties that this case will be held to a tight schedule going forward. The Court **GRANTS IN PART** the joint motion¹¹ and issues the following case-specific schedule which controls disposition of this action until further order of the Court. The following actions shall be completed by the dates indicated:

PRETRIAL EVENTS	DEADLINES
Discovery deadline.	April 14, 2021
Deadline to notify the Court whether the parties (1) consent to the Court deciding the issue of just compensation upon briefs and evidence submitted therewith or (2) request an evidentiary hearing on the issue of just compensation. <u>N.B.</u> : Parties may request a jury trial or a special commission ¹² or consent to a bench trial. There is no right to jury trial. ¹³	April 16, 2021
Deadline to file briefs and submit evidence (or anticipated evidence if an evidentiary	May 17, 2021

⁸ *Id.* at 2–3, ¶¶ 3–8.

⁹ Proclamation No. 10142, §§ 1–2, 86 Fed. Reg. 7,225, 2021 WL 197402 (Jan. 20, 2021).

¹⁰ *Clinton v. Jones*, 520 U.S. 681, 706 (1997).

¹¹ Dkt. No. 136.

¹² FED. R. CIV. P. 71.1(h).

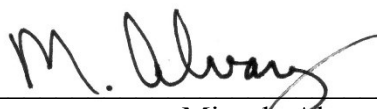
¹³ *Georgia Power Co. v. 138.30 Acres of Land*, 596 F.2d 644, 647 (5th Cir. 1979), *aff’d sub nom. Georgia Power Co. v. Sanders*, 617 F.2d 1112, 1113 (5th Cir. 1980) (en banc).

hearing is requested) on the issue of just compensation. <u>N.B.</u> : The Court will conduct a preliminary screening of the briefs and anticipated evidence submitted to determine whether the evidence is sufficient to order a jury trial if one is requested. ¹⁴	
Deadline to file all pretrial motions, including any dispositive motions, except motions in limine which shall be filed with the Joint Pretrial Order.	June 16, 2021
Deadline to file joint pretrial order, motions in limine, and proposed jury instructions (or proposed findings of fact & conclusions of law). ¹⁵	August 12, 2021
Final pretrial conference and trial scheduling, unless the parties elected for the Court to decide the issue of just compensation upon the briefs and evidence submitted therewith, in which case the conference is automatically cancelled.	September 14, 2021, at 9:00 a.m.

This scheduling order supersedes any earlier schedule, is binding on all parties, and shall not be modified except by leave of Court upon showing of good cause.¹⁶ All other deadlines not specifically set out in this scheduling order will be governed by the Federal Rules of Civil Procedure and this Court's Local Rules.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 8th day of February 2021.



Micaela Alvarez
United States District Judge

¹⁴ See *United States v. 320.0 Acres of Land, More or Less in Monroe Cty. Fla.*, 605 F.2d 762, 820 (5th Cir. 1979).

¹⁵ The Joint Pretrial Order must be in accordance with Appendix B of the Local Rules for the Southern District of Texas and must include the disclosures required by Federal Rule of Civil Procedure 26(a)(3).

¹⁶ See FED. R. CIV. P. 16(b)(4); 6A ARTHUR R. MILLER, MARY KAY KANE & A. BENJAMIN SPENCER, FEDERAL PRACTICE AND PROCEDURE § 1522.2 (3d ed. 1998 & Supp. Oct. 2020).